

3.15 ENVIRONMENTAL JUSTICE

The following analysis looks at the environmental effects of the proposed Broad Beach Restoration Project (Project) in relation to ethnic minority and low-income populations. This analysis focuses on whether the Project has the potential to adversely and disproportionately affect minority populations, low-income communities, and sensitive industries, thus creating a conflict with the intent of the Environmental Justice Policy of the California State Lands Commission (CSLC).

3.15.1 Environmental Setting Pertaining to the Public Trust

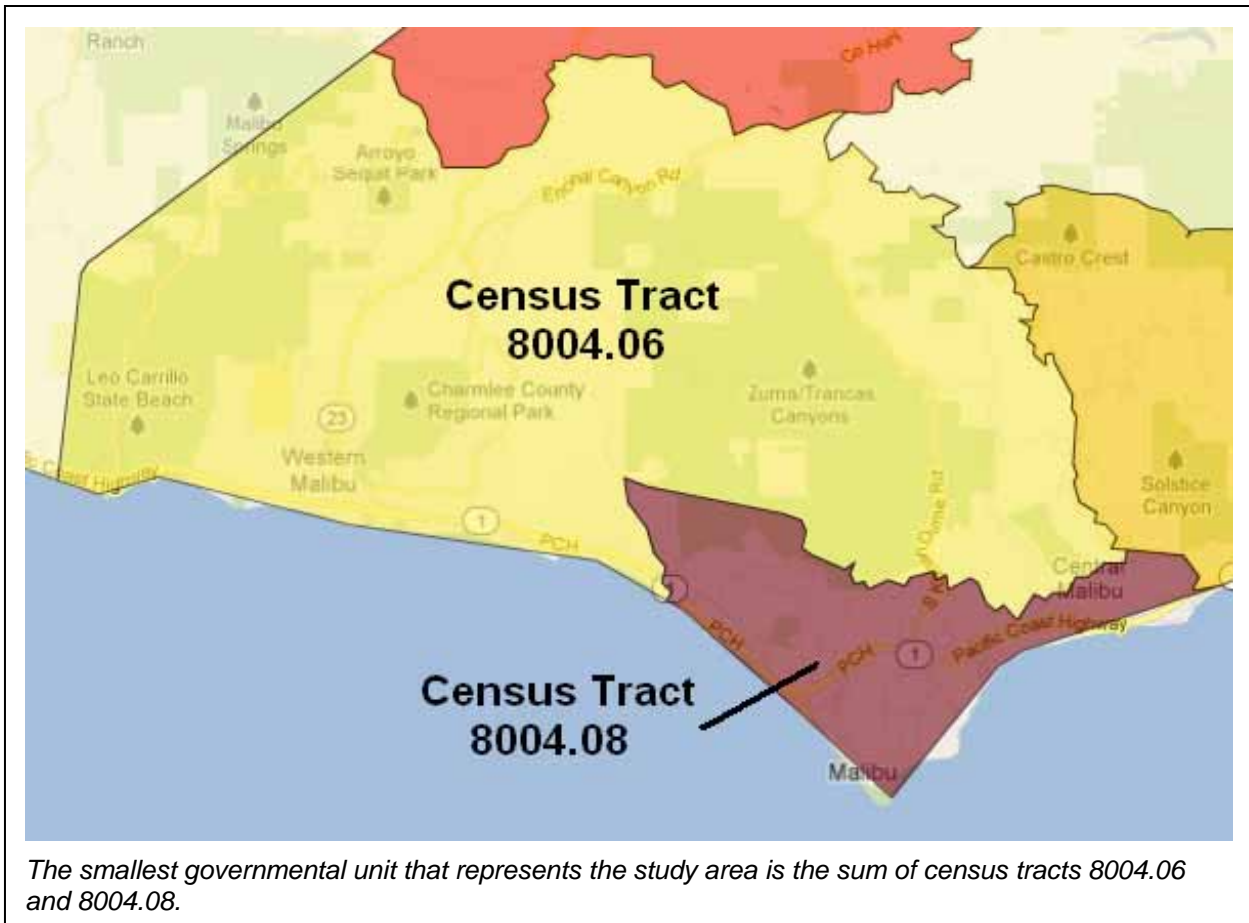
Project Area and Off-site Project Areas Communities of Comparison

According to U.S. Environmental Protection Agency (USEPA) guidance, a minority or low-income community is disparately affected when the community would bear a disproportionate level of health and environmental effects when compared to the general population. Further, the guidelines recommend that the Communities of Comparison selected be the smallest governmental unit that encompasses the footprint for each resource.

The Project is located on the coastal portion of the city of Malibu in Los Angeles county. For the purposes of this section, the Project area includes the western portion of the city of Malibu, including both residents in the vicinity of the Project area and residents in the surrounding area that could be exposed to environmental impacts. The smallest governmental unit that represents this area is the sum of census tracts 8004.06 and 8004.08. U.S. Census data from 2010 for these census tracts were used to characterize the Project area for this analysis.

The Off-site Project areas include communities that could be impacted by dredging activities offshore from Dockweiler Beach and outside of Ventura Harbor. These include communities that have historically made use of or currently plan to make use of dredged material from these locations and that could be impacted due to loss of access to this material. Coarse-grained sand from the Ventura Harbor sand trap has been used in the past and could be used in the future for nourishing Ventura county beaches, while coarse-grained sand from the Dockweiler State Beach dredge site could be used in the future for nourishing Los Angeles county beaches. These beaches could be visited by residents from all around the county. Therefore, the Off-site Project areas include Ventura and Los Angeles counties.

This analysis also considers sensitive industries that may be impacted through Project implementation. The beach, offshore area, and borrow sites are all public trust resources that are also used for economic activity. Commercial fishing is the primary industry that relies on the use of this public trust resource that may be impacted by the Project. Recreational fishing and/or diving operations may be impacted as well.



1 Relationship between Environmental Justice and Public Trust Resources and Values

2 Environmental justice is defined by State law as “the fair treatment of people of all
3 races, cultures, and incomes with respect to the development, adoption,
4 implementation, and enforcement of environmental laws, regulations, and policies.” This
5 definition is consistent with the Public Trust Doctrine principle that the management of
6 trust lands is for the benefit of all people. Minority populations, low-income communities,
7 and sensitive industries all need to be considered during management of public trust
8 resources to ensure that they do not face disproportionate adverse impacts from
9 implementation of management activities.

10 The CSLC holds title to and manages the intertidal and submerged land underlying the
11 State’s navigable and tidal waterways, including Broad Beach below the mean high tide
12 line and the associated offshore area. These lands are held under and governed by the
13 provisions of the Public Trust Doctrine for specific public purposes such as fishing,
14 water-dependent commerce, navigation, ecological preservation, and scientific study,
15 among others. The Public Trust Doctrine governs the management of such lands held
16 by the State, or its delegated trustees, for the benefit of all people. These public

purposes are protected for all groups, including minority populations, low-income communities, and sensitive industries.

Project Area and Off-site Project Area Demographics

The Project area is located in the western portion of the city of Malibu. The U.S. Census Bureau designations for the areas that include the Project area, and their associated populations, are as follows:

- County of Los Angeles (population 9,818,605)
- County Subdivision of Agoura Hills/Malibu (population 63,824)
- City of Malibu (population 12,645)
- Western portion of the city of Malibu, comprising Census Tracts 8004.06 (population 2,644) and 9004.08 (population 7,122)

The Off-site Project areas include Ventura and Los Angeles counties, each in their entirety.

Minority Populations

In 2010, the population of the city of Malibu was 12,645 and the population of Los Angeles county was 9,818,605 (U.S. Census Bureau 2010). The smallest Census-designated area that includes race and ethnicity statistics is at the census tract level. Therefore, for purposes of this analysis, the Project area is defined as the combination of census tracts 8004.06 and 8004.08. Within the Project area, minorities comprised 10.0 percent of the population in 2010, compared to 8.5 percent in the city of Malibu and 49.7 percent in Los Angeles county (Table 3.15-1).

Table 3.15-1. Race and Ethnicity in 2010

	Study Area		Malibu		LA County		Ventura County	
	Population	%	Population	%	Population	%	Population	%
Total Population	9,766	100	12,645	100	9,818,605	100	802,983	100
White	8,788	90.0	11,565	91.5	4,936,599	50.3	699,465	87.1
Minority	978	10.0	1,080	8.5	4,882,006	49.7	103,518	12.9
<i>Black</i>	173	1.8	148	1.2	856,874	8.7	17,355	2.2
<i>Asian</i>	239	2.4	328	2.6	1,346,865	13.7	53,865	6.7
<i>Native American</i>	18	0.2	20	0.2	72,828	0.7	10,795	1.3
<i>Pacific Islander</i>	11	0.1	15	0.1	26,094	0.3	2,462	0.3
<i>Other</i>	223	2.3	182	1.4	2,140,632	21.8	0	0.0
<i>Two or More</i>	314	3.2	387	3.1	438,713	4.5	19,041	2.4
Hispanic*	747	7.6	769	6.1	4,687,889	47.7	309,092	38.5

*May be counted in one or more of the other categories as well.

Source: U.S. Census Bureau 2010.

Asians comprised the largest minority group within the Project area (2.4 percent), while Pacific Islander and Native American groups comprised the smallest percentage of the population (0.1 percent combined). However, all minority groups are relatively small in the Project area with 10.0 percent of the population belonging to any minority group, as compared to 49.7 percent in Los Angeles County as a whole (Table 3.15-1). This does not represent a disproportionately high percentage of minorities in the Project area as compared to the county as a whole.

Hispanic or Latino write-in respondents could potentially be categorized under any of the classification groups designated by the U.S. Census Bureau, including “other,” in addition to the Hispanic classification (Hispanic is considered an origin, not a race, by the U.S. Census Bureau). Within the Project area, Hispanic/Latino write-in respondents comprised 7.6 percent of the population, as compared to 47.7 percent of the population of Los Angeles County (Table 3.15-1). This does not represent a disproportionately high percentage of people with Hispanic origin in the Project area as compared to the county as a whole.

The Off-site Project areas include Los Angeles County and Ventura County. When comparing Los Angeles County to the Project area, the reverse relationship from above is observed. Because minorities represent 49.7 percent of the population in Los Angeles County and only 10.0 percent of the population in the Project area, this potentially impacted population has a disproportionate minority population relative to the population that is gaining benefits from the beach nourishment in the Project area. This is also true of the Hispanic population with 47.7 percent in Los Angeles County and only 7.6 percent in the Project area, comprising a disproportionately high Hispanic population in the Off-site Project area of Los Angeles County (Table 3.15-1).

Demographics for Ventura County are also different from the Project area. Ventura County has a 12.9 percent minority population, which is not substantially different from the 10.0 percent minority population in the Project area. Therefore, this county does not face a disproportionately high percentage of minorities relative to the Project area. However, Ventura County has a disproportionately high Hispanic population relative to the Project area with 38.5 percent in Ventura County versus 7.6 percent in the Project area (Table 3.15-1). Therefore, the potentially impacted population in the Off-site Project area of Ventura County has a disproportionately high Hispanic population relative to the Project area.

Low-income Populations

Census data from the 2010 Census were also analyzed to determine poverty status in the Project area. As displayed in Table 3.15-2, 5.2 percent of the individuals residing within the Project area and 6.3 percent of residents in the city of Malibu had income

Table 3.15-2. Poverty Status in 2009

	Study Area	City of Malibu	LA County	Ventura County
Population for Whom Poverty Status was Determined	8,851	11,284	9,604,871	813,821
Income in 2009 Below Poverty Level	463	707	1,508,618	87,189
Percent with Income in 2009 Below Poverty Level	5.2%	6.3%	15.7%	10.7%

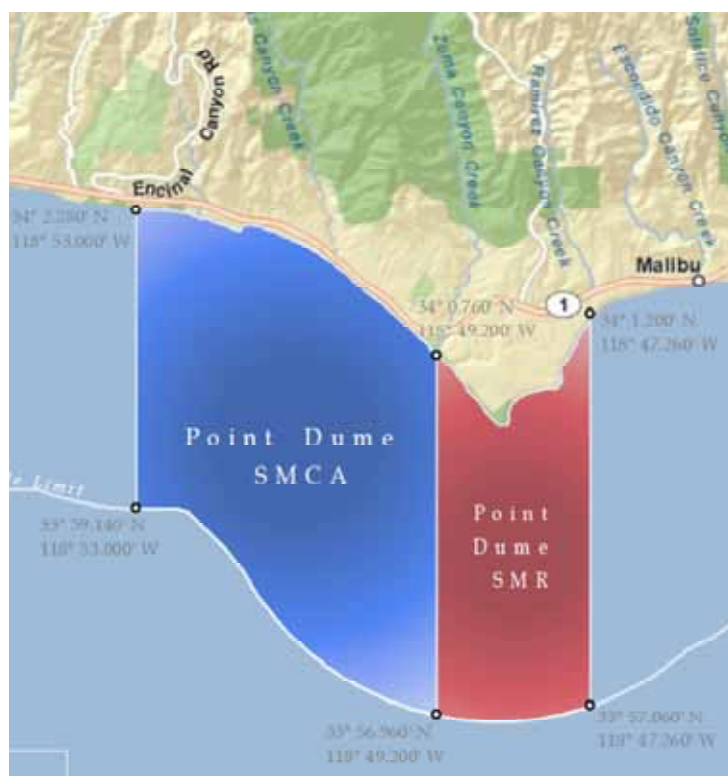
Source: U.S. Census Bureau 2010.

levels below the poverty level in 2009. In contrast, 15.7 percent of Los Angeles County residents had income levels below the poverty level in 2009. The Project area does not include a disproportionately high percentage of residents below the poverty line relative to the county in which the Project is taking place.

When comparing income levels in the Off-site Project areas, there are a disproportionately high percentage of residents below the poverty line in each of the Off-site Project areas—Los Angeles County and Ventura County—relative to the Project area. The percentage of residents below the poverty line in Los Angeles County and Ventura County are 15.7 percent and 10.7 percent, respectively, while the percentage in the Project area is 5.2 percent (see Table 3.15-2). This represents a disproportionately high percentage of low-income residents that may face adverse impacts from the loss of access to dredge material, relative to the residents in the Project area that would gain benefits from nourishment of Broad Beach.

Sensitive Industries

Several industries rely on the public trust resources at Broad Beach for their economic viability. Commercial fisheries constitute the local social and economic sector most likely to be impacted by the Project. Additionally, recreational fishing and/or diving operations may be impacted. These industries are reliant on the State's coastal resources, so they are governed by State regulations regarding coastal waters.



The Point Dume SMCA encompasses the length of the coast along the Project area, while the Point Dume SMR covers the coastline to the east of the study area. Both conservation areas extend 3 nautical miles into the ocean.

The coastal marine environments and associated species in California are protected by the Marine Life Protection Act (MLPA), which also regulates what economic activities are allowed in designated coastal waters. The MLPA was passed in 1999 and is part of the California Fish and Game Code. As part of the conservation efforts of the MLPA, some coastal areas of California are designated as Marine Protected Areas (MPAs) that have specific rules about the permitted use of the area. The South Coast Marine Protection Areas went into effect on January 1, 2012. The MLPA defines the Southern California coast as the coastal area from Point Conception to the California/Mexico border, which includes the Project area.

The Project area is located in the coastal area designated by the MLPA as the Point Dume State Marine Conservation Area (SMCA). The Point Dume State Marine Reserve (SMR) is east of and adjacent to the SMCA. The SMR is a no-take reserve, so all recreational and commercial fishing activity is prohibited in this area. The SMCA allows the take of specific species by both commercial and recreational fishermen. Commercial fishermen are allowed to catch finfish—defined as species of bony fish or cartilaginous fish (e.g., sharks, skates, and rays)—except pelagic finfish, including Pacific bonito and white seabass. Pelagic finfish is a subset of finfish defined by the MLPA as: northern anchovy, barracudas, billfishes, dolphinfish, Pacific herring, jack mackerel, Pacific mackerel, salmon, Pacific sardine, blue shark, salmon shark, shortfin mako shark, thresher sharks, swordfish, tunas, and yellowtail. Recreational fishermen are permitted to catch pelagic finfish, including Pacific bonito and white seabass by spearfishing. The SMCA does not allow the take of amphibians, invertebrates, plants or algae.

As per the guidelines for the Point Dume SMCA, commercial fishing for particular species is permitted in this MPA. In addition to commercial fishing, the beach and coastal waters offshore Broad Beach are used for recreational fishing and/or diving operations.

3.15.2 Regulations Pertaining to the Public Trust

State

Marine Life Protection Act

The MLPA defines regulations regarding activity in the coastal waters of California. The MLPA Regulations define MPAs and permitted take and no-take zones, which determines areas where commercial fishing is permitted. Additionally, the MLPA Regulations (Title 14, Section 632) specifically address beach nourishment in the Point Dume SMCA. The Act states, “Beach nourishment and other sediment management activities are allowed inside the conservation area pursuant to any required Federal, State and local permits, or as otherwise authorized by the department.”

CSLC Environmental Justice Policy

The CSLC has developed and adopted an Environmental Justice Policy to ensure equity and fairness in its processes and procedures. The CSLC adopted and amended the Environmental Justice Policy on October 1, 2002, to ensure consideration of environmental justice as part of CSLC processes, decisions, and programs. The policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision-making, and regulatory affairs. It is implemented, in part, through identification of, and communication with, relevant populations that could be adversely and disproportionately affected by CSLC projects or programs, and by ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental issues affecting such populations. The staff of the CSLC is required to report back to the Commission on how environmental justice is integrated into its programs, processes, and activities (CSLC 2002).

Local

Malibu Local Coastal Program (LCP)

The Malibu LCP also addresses environmental justice, with the stated goal of promoting, “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”

3.15.3 Public Trust Impact Criteria

Public trust impacts would be considered substantial if they conflicted with the CSLC’s Environmental Justice Policy. This would occur if the Project would:

- Have the potential to disproportionately affect minority and/or low-income populations at levels exceeding the corresponding medians for the County in which the Project is located; or
- Result in a substantial, disproportionate decrease in the employment and economic base of minority and/or low-income populations residing in the County and/or immediately surrounding cities.

Impacts to public users and recreational and commercial users (e.g., commercial fishermen and recreational divers) in the immediate Project vicinity and to residents, public users, and recreational and commercial users in the Off-site Project areas will be considered.

3.15.4 Public Trust Impact Analysis

The social and economic effects of the Project would be beneficial. A nourished beach would cover the exposed temporary emergency revetment with a wider and larger sand

1 area backed by a restored dune system. Expansive sandy beaches provide greater
2 recreational opportunities and opportunity for public access, and enhance tourism in the
3 region. Broad Beach is a public beach, so beach nourishment would provide benefits to
4 all groups, including minority and low-income beach users. Also, private property and
5 infrastructure would have additional protection from wave action and storm events while
6 nourishment activities continue at Broad Beach.

7 Potential users of Broad Beach and the waters offshore could come from any ethnicity
8 or income level. In contrast, residents of Broad Beach are more likely to be of relatively
9 higher income levels. The demographics of Broad Beach and the area surrounding the
10 Project site do not qualify as a disadvantaged population within the CSLC's
11 Environmental Justice Policy.

12 **Impact EJ-1: Disproportionate Adverse Impacts to Minority and/or Low-income**
13 **Populations due to the Emergency Revetment**

14 **The presence of the emergency revetment impacts public access, and has the**
15 **potential to disproportionately affect minority and/or low-income populations**
16 **(Unsubstantial, Class U).**

17 Impact Discussion

18 Broad Beach is a public beach that people of all races and income levels have an
19 opportunity to visit. The emergency revetment limits public access to public trust lands
20 and easements granted the public for coastal access (see Section 3.5, *Land Use,*
21 *Recreation and Public Access*), resulting in adverse impacts to all members of the
22 public, including minority and low-income groups. However, such impacts would not
23 disproportionately affect minority or low-income groups. Further, the Project would
24 include burial of the emergency revetment, increasing public access to Broad Beach
25 over the short- to mid-term (e.g., 10 to 20 years). This would mitigate adverse impacts
26 to public access from the presence of the revetment until such a time as nourishment
27 ceases and the revetment becomes exposed. At that time, access impacts would occur
28 to all members of the public, including minority and low-income groups. Therefore, this
29 impact is less than substantial.

30 **Impact EJ-2: Potential for Disproportionate Adverse Impacts to Minority and/or**
31 **Low-income Populations due to Beach Nourishment in the Project Area**

32 **Dredging and beach nourishment activities would not have impacts that could**
33 **disproportionately affect minority and/or low-income populations in the Project**
34 **area (Unsubstantial, Class U).**

35 Impact Discussion

36 A review of demographics within the affected Project area revealed that there is not a
37 disproportionately high level of minority or low-income residents in the Project vicinity.

According to the 2010 Census, minorities comprised 10.0 percent of the population in the Project area, compared to 49.7 percent in Los Angeles County. Also, 5.2 percent of the individuals residing within the Project area had income levels below the poverty level in 2009, compared to 15.7 percent of Los Angeles County residents. Because the minority and low-income composition of the Project area is substantially lower than the minority and low-income composition of Los Angeles County, the demographics of the most directly impacted population does not comprise a disproportionately high minority or low-income population. Therefore, the Project does not have a substantial impact on environmental justice.

The Project would have positive impacts on public access to Broad Beach (see Section 3.5, *Land Use, Recreation, and Public Access*), which may allow increased access for minority and low-income populations. This would result in a positive impact with regard to environmental justice considerations.

Impact EJ-3: Disproportionate Decrease in the Employment and Economic Base of Minority and/or Low-income Populations Residing in the County and/or Immediately Surrounding Cities

Dredging and beach nourishment activities would not decrease the employment or economic base of minority and/or low-income populations (Unsubstantial, Class U).

Impact Discussion

The Project would place sand on the existing beach where there are no structures other than the emergency revetment, and there would be no physical changes to local or regional population or housing characteristics. Beach nourishment activities would improve access to the public sandy beach environment and would not have substantial adverse impacts on commercial marine sea life; therefore, commercial fishing and recreational fishing and/or diving operations would not be adversely impacted and the Project would not eliminate long-term jobs in the area. Therefore, the Project would not create substantial adverse impacts to employment and the economic base or the Project area. Dredging and beach nourishment will create temporary jobs in the Project vicinity, creating positive impacts to employment in the area and with regard to environmental justice considerations.

Impact EJ-4: Disproportionate Adverse Impacts to Minority and/or Low-income Populations due to Dredging in the Off-site Project Areas

Dredging activities may have impacts that could disproportionately affect minority and/or low-income populations in the off-site Project areas (Unsubstantial, Class U).

1 Impact Discussion

2 Removing high-quality coarse-grain sand from borrow sites outside of the Project area
3 could have adverse impacts on residents in the Off-site Project areas—Los Angeles
4 County and Ventura County—that could otherwise benefit from using that material for
5 nourishing their own local beaches. These potential adverse impacts would be faced by
6 residents in the Off-site Project areas, while potential benefits from the Project would be
7 enjoyed by residents in the Project area.

8 A review of demographics in the Off-site Project areas versus the Project area reveals
9 that minority and/or low-income populations may be disproportionately impacted by
10 dredging operations. The Off-site Project area of Los Angeles County has a
11 disproportionately high percentage of minorities, people of Hispanic origin, and
12 residents below the poverty line as compared to the Project area with 49.7 percent, 47.7
13 percent, and 15.7 percent, relative to 10.0 percent, 7.6 percent, and 5.2 percent
14 respectively. The Off-site Project area of Ventura County has a disproportionately high
15 percentage of people of Hispanic origin and residents below the poverty line as
16 compared to the Project area with 38.5 percent and 10.7 percent, relative to 7.6 percent
17 and 5.2 percent respectively; however, Ventura County has a similar minority population
18 relative to the Project area with 12.9 percent versus 10.0 percent. Overall, because
19 there are disproportionately high minority, Hispanic and/or low-income populations in
20 one or both of the Off-site Project areas, Project-related dredging activities offshore
21 from Dockweiler Beach and outside of Ventura Harbor may have disproportionately high
22 impacts to these populations. If there are adverse impacts from these activities, these
23 impacts would also constitute an impact to environmental justice.

24 Potential impacts from the loss of sand from the Dockweiler Beach and Ventura Harbor
25 borrow sites are addressed in Section 3.6, *Geological Hazards and Mineral Resources*.
26 According to the analysis of Impact GEO-2 – Extracted Sand Lost as a Resource to
27 Other Beaches in Section 3.6, the associated avoidance and minimization measure
28 would reduce the impacts such that they are unsubstantial (please see Section 3.6 for
29 more information on impacts from the loss of sand resources in the Off-site Project
30 areas). Because there would be no substantial impacts from the loss of sand at the
31 Dockweiler Beach and Ventura Harbor borrow sites, there would not be a substantial
32 impact to environmental justice.

1 **Table 3.15-2. Summary of Environmental Justice Impacts and AMMs**

Impact	Avoidance and Minimization Measures
Impact EJ-1: Disproportionate Adverse Impacts to Minority and/or Low-income Populations due to the Emergency Revetment	No AMMs recommended.
Impact EJ-2: Potential for Disproportionate Adverse Impacts to Minority and/or Low-income Populations due to Beach Nourishment in the Project Area	No AMMs recommended.
Impact EJ-3: Disproportionate Decrease in the Employment and Economic Base of Minority and/or Low-income Populations Residing in the County and/or Immediately Surrounding Cities	No AMMs recommended.
Impact EJ-4: Disproportionate Adverse Impacts to Minority and/or Low-income Populations due to Dredging in the Off-site Project Areas	No AMMs recommended.